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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING
VICTOR HOLANDA, AICP
DIRECTOR

DATE: SEPTEMBER 22, 2005
TO: PLANNING COMMISSION
FROM: JAMES CARUSO, SENIOR PLANNER
SUBJECT: ROAD ADJUSTMENT REQUEST FOR TRACT 2467 (LORANCE)

Recommendation

Approve the road adjustment request based on the Findings listed in Exhibit "A" and revised conditions for Tentative Tract Map 2467 listed in Exhibit "B".

Background

The subject tentative map was approved by your Commission on September 23, 2004. A condition was added at the hearing in response to public testimony that prohibited the removal of oak trees along Villa Lots Rd without approval of a road adjustment. The condition states:

2. Roads and/or streets to be constructed to the following standards:
 - a. Villa Lots Rd widened to complete an A-1 section fronting the property. No oak trees shall be removed without processing a road exception request.

The applicant's engineer has designed the road improvements using county road standards. The standard road improvement would result in the removal of 8 oak trees. Due to the wording of Condition 2a, the applicant has submitted this road adjustment request.

Proposed Road Adjustment Request

The specific road adjustment application proposes to widen the road to match the work done for the tract directly to the east. The new road width will vary from 20 feet of pavement to 24 feet of pavement with 2 foot wide aggregate shoulders. According to the applicant's biologist, the proposed road improvement, which is acceptable to County Public Works and CDF, would result in the loss of a maximum of 4 oak trees. The County Department of Public Works supports the road adjustment request (see attached memo).

Exhibit A
Road Adjustment Findings

Environmental Determination

- A. The Environmental Coordinator finds that the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Negative Declaration was adopted on September 23, 2004.

Road Exception Request

- B. That there are special circumstances or conditions affecting the property being subdivided because the existing road right of way is lined with mature oak trees that characterize the area and should remain in place.
- C. That the partial granting of the adjustment will not be detrimental to the traffic circulation system, the public utility and storm drainage systems, or vehicular or pedestrian safety because the road improvement will be completed to County standard with a minimum 20 feet of paved width and 2 foot wide shoulders.
- D. That the partial granting of the adjustment will not result in any unreasonable costs in the maintenance of the improvement by the entity charged with such maintenance responsibility because the road will be improved to an A-1 section fronting the property.
- E. That the partial granting of the adjustment will not be detrimental to, nor degrade, any portion of the improvement work involved in the subdivision because the A-1 section road improvements will be consistent with the improvement requirements for other properties in the area.

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**CONDITIONS - EXHIBIT B
LORANCE/(SMITH) TRACT MAP 2467/S020164
ROAD ADJUSTMENT**

Approved Project

1. This approval authorizes the subdivision and subsequent development of a 17.8 acre parcel into eight parcels ranging in size from 2.1 - 2.6 acres in size. Development includes construction of two access roads off of Villa Lots Road, eight driveways, eight building pads, and road improvements on Villa Lots Road.

Access and Improvements

2. Roads and/or streets to be constructed to the following standards:
 - a. Villa Lots Road widened to complete an A-1 section fronting the property. No oak trees shall be removed without processing a road exception request.
 - b. The road improvements in a above shall widen the road to a minimum of 20 feet of paved width with 2 foot aggregate shoulders as approved by the road improvement adjustment.
3. Access be denied to lots 7 & 8 from Highway 101 (per 711 or 362) and that this be by certificate and designation on the map.
4. A private access easement be reserved on the map to all lots.
5. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback at a maximum of a 3 to 1 slope. In addition steeply sloped building pads shall be avoided and 3:1 slopes maintained where feasible. Stepped foundations are encouraged.

Improvement Plans

6. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile;
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require);
 - c. Water plan (County Health)
 - d. Grading and erosion control plan for subdivision related improvement locations;
 - e. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
6. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

7. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
8. If environmental Permits from the Army Corps of Engineers or the California Department of Fish and Game area required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:
 - a. Submit a copy of all such permits to the Department of Public Works (OR)
 - b. Document that the regulatory agencies have determined that said permit is no longer required.

Drainage

9. Submit complete drainage calculations to the Department of Public Works for review and approval.
10. If calculations so indicate, drainage must be retained/detained in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
11. If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
 - e. Offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
12. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.
13. **Prior to issuance of grading and construction permits**, the applicant shall submit a sedimentation and erosion control plan prepared and signed by a Registered Civil Engineer. The plan shall focus on lots 1-5 and minimize drainage into the small swale near these lots and meet the requirements of Land Use Ordinance Sec. 22.05.034 and shall be approved by the Division of Environmental and Resource Management in consultation with the Public Works Department.
14. **Prior to issuance of grading and building permits**, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) and submit to the State Water.

Utilities

15. Electric and telephone lines be installed underground.
16. Cable T.V. shall be installed in the street.
17. Gas lines shall be installed.

Street Names

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18. The applicant shall apply to the Department of Planning and Building for approval of new street names prior to filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

BIOLOGICAL RESOURCES

Biological Resources - San Joaquin Kit Fox

Prior to improvement plans for roads, driveways and building pads the applicant will be required to mitigate impacts to San Joaquin kit fox habitat. The Kit Fox Evaluation, which was completed for the project **Lorance (Smith)**

Tract Map 2467/S020164T, on **March 22, 2003** by **VB Troutman**, indicates the project will impact San Joaquin kit fox habitat. The project earned a score of **[60]** on the evaluation, which requires that all impacts to kit fox habitat be mitigated at a ratio of **[2]** acres conserved for each acre impacted **[(2:1)]**. The mitigation options identified in BR-1 through BR-11 apply **to the proposed project only**; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

19. **Prior to improvements of roads, driveways and building pads**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:
 - a. Provide for the protection in perpetuity, through acquisition of fee or a open space easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.
 - c. Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total area of disturbance from project activities multiplied by \$2500 per acre. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

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1. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

20. **Prior to conducting any grading associated with map recordation**, the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

21. **Within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, diskings, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

c. **Prior to or during project activities**, if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

- a) Potential kit fox den: 50 feet
- b) Known kit fox den: 100 feet
- c) Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

22. **Prior to approval of any improvement plans related to map recordation**, the applicant shall clearly delineate as a note on the project plans, that: *"Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox."* Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**,

In addition, **prior to initiation of any ground disturbing activities, or any grading associated with map recordation**, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

23. **During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
24. **Prior to initiation of site disturbance**, and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this

meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

25. **During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
26. **During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
27. **During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
28. **Prior to, during, and after the site-disturbance and/or construction phase**, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
29. **During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.
 - a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".

- b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Tree Removal

30. **For subdivision improvements, the applicant shall replace, in-kind at a two-to-one ratio, the six (6) blue oak trees to be impacted as a result of road improvements for a total of twelve (12) blue oak trees (only if 6 trees are impacted). The applicant shall replace, in-kind at a four-to-one ratio, the five (5) blue oak trees to be removed as a result of road improvements for a total of twenty (20) blue oak trees (only if 5 blue oak trees are removed). Trees to remain shall be shown on plans and shall be protected and marked prior to any improvements.** Replacement oak trees shall be from one-gallon container sizes. All newly planted oak trees shall be maintained until successfully established. This shall include caging from animals (e.g., deer and rodents), periodic weeding and adequate watering (e.g., drip-irrigation system). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used. All trees shall be tagged and numbered for future monitoring.
- Once trees have been planted and prior to occupancy, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nursery person, botanist) to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.

To promote the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/contractor, nursery person) to monitor the new trees until successfully established, on an annual basis, for no less than three years. The first report shall be submitted to the Department of Planning and Building one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the newly planted vegetation is successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report and approved by the Department of Planning and Building.

31. **Prior to issuance of improvement plans,** the applicant shall submit an erosion and sedimentation control plan including both temporary and permanent measures designed to retain soil onsite and prevent sediment from entering drainage and riparian areas on and in the vicinity of the project site. The plan shall also include measures to prevent oils, fuels, and other potential spills or leaks from discharging into drainage and riparian areas. _____
32. **Prior to issuance of improvement plans,** the applicant shall submit a sedimentation and erosion control plan prepared and signed by a Registered Civil Engineer. The plan shall focus on lots 1-5 and minimize drainage into the small swale near these lots and meet the requirements of Land Use Ordinance Sec. 22.05.034 and shall be approved by the Division of Environmental and Resource Management in consultation with the Public Works Department.

Fire Safety

33. Prior to filing the final parcel or tract map, the applicant shall obtain a fire safety clearance letter from CDF/County Fire Department establishing fire safety requirements stated on the Fire Safety letter dated July 9, 2003.

Additional Map Sheet

34. The applicant shall prepare and additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following conditions :
- a. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
 - b. Designated building sites (and access drives) shall be shown on the additional map sheet reflecting the approved tentative map.
 - c. **Prior to issuance of building permits**, the following conditions shall apply to all parcels. CC&R's and or an additional map sheet shall require the applicant to clearly delineate the height of new development on the project plans.
 1. The roof height on the buildings for Lot 7 shall be limited to 815 feet above sea level within the building envelope and this height limit calculation shall be shown clearly with topography lines for the building plans when construction permits are submitted.
 2. All development on parcel 8 shall not exceed 25 feet in height as defined in the County of San Luis Obispo Land Use Ordinance, Section 22.04.122, as follows: "The height of a building or structure is to be measured as the vertical distance from the highest point of the structure to the average of the highest and lowest points where the vertical plane of the exterior walls would touch the natural grade level of the site".
 - d. **At the time of application for construction permits for all parcels**, the applicant shall submit architectural elevations of all proposed structures to the Department of Planning and Building for review and approval. Project CC&Rs shall state that the County Department of Planning and Building review of elevations is required and shall outline the parameters specified below. The elevations shall show forms, dimensions, exterior finish materials and colors, as follows:
 1. As viewed from Highway 101, roofs shall be limited to hipped-forms. Roofs shall be articulated and follow the general shapes of the hills and avoid flat planes which project against the sky in long straight lines or acute angles which may be considered intrusive to the existing natural character of the hills and vegetation;
 2. Building colors shall be similar to surrounding natural colors and no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building; white paint shall be prohibited; and,
 3. Roof colors shall be limited to deep earth tones, deep muted reds, browns and grays and no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building. Shiny metal roofs, bright orange red or blue shall be prohibited.

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- e. **At the time of application for construction permits**, the applicant shall submit Landscape Mitigation Plans to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The plans shall include native evergreen trees planted at the north east end of Lot 7 (according to the map submitted in the visual analysis and attached to this document. The landscape plan shall be prepared by a professional qualified in the successful design of native plantings. Additional planting may occur outside of the identified mitigation planting areas.
 - 1. Mitigation planting shall consist of native evergreen trees capable of growing to a minimum height of 30 feet tall and shall include at least 50 percent blue oak species. Trees shall be planted from a minimum fifteen-gallon container size;
 - 2. Trees within the screen planting area shall be installed in random-appearing patterns. Palm trees, Italian Cypress or Eucalyptus shall not be planted; and,
 - 3. Mitigation trees shall be maintained until fully established. Mitigation trees that die shall be replaced.
- f. **At the time of application for construction permits**, the applicant shall submit a bond to the County of San Luis Obispo for an amount determined by the County to be sufficient to cover the estimated cost of planting and establishing the equivalent of the total number of trees included in the Landscape Mitigation Plan. The bond shall be held for a minimum of five years to ensure the successful establishment and maintenance of the mitigation planting.
- g. **Prior to issuance of grading permits**, the Landscape Mitigation Plan shall be implemented, and the applicant shall provide a letter or other sufficient evidence to the County of San Luis Obispo Environmental Coordinator for approval demonstrating that the applicant has entered into a contract with a qualified professional for the purpose of monitoring the success of the mitigation planting area. The monitoring contract shall include a requirement that the monitor conduct at a minimum an annual site visit and assessment of the planting success for five years. At the end of the five year monitoring period, the monitoring report shall be submitted to the County Environmental Coordinator for approval and shall be used as a determining factor in assessing the successful establishment of the planting as it relates to the bond posted by the applicant.
- h. **At the time of application for construction permits for all parcels**, the applicant shall submit an exterior lighting plan to the Department of Planning and Building for review and approval. Project CC&Rs shall state that the County Department of Planning and Building review of the lighting plan is required and shall outline the parameters specified below.
 - 1. Direct views of all exterior lighting sources shall be shielded from view from Highway 101;

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2. Exterior lighting shall be designed to not focus illumination onto exterior walls;
3. Any security lighting installed on the property shall be equipped with motion detectors to prevent the illumination from remaining on; and,
4. "White" colored light shall not be used for exterior lighting.

Air Quality

- i. No developmental burning of vegetative material shall occur unless a burn permit is issued by the Air Pollution Control District and California Department of Forestry/San Luis Obispo County Fire Department.
- j. **Prior to issuance of grading and construction permits**, the applicant shall submit a geologic evaluation determining the presence or absence of naturally occurring asbestos on the project site. If naturally occurring asbestos is found at the site, the applicant shall comply with all requirements outlined in the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include, but are not limited to:
 1. Asbestos Dust Mitigation Plan, to be approved by the APCD prior to site disturbance; and,
 2. Asbestos Health and Safety Program.
- k. **Prior to issuance of grading and construction permits**, the applicant shall list proposed energy efficient construction measures on grading and building plans. The measures shall be reviewed and approved by the APCD, and implemented during all construction activities.

Tree Removal

- l. **Prior to occupancy, the applicant shall replace, in-kind at a two-to-one ratio, the six (6) blue oak trees to be impacted as a result of road improvements for a total of twelve (12) blue oak trees (only if 6 trees are impacted). The applicant shall replace, in-kind at a four-to-one ratio, the five (5) blue oak trees to be removed as a result of road improvements for a total of twenty (20) blue oak trees (only if 5 blue oak trees are removed). Trees to remain shall be shown on plans and shall be protected and marked prior to any improvements.** Replacement oak trees shall be from one-gallon container sizes. All newly planted oak trees shall be maintained until successfully established. This shall include caging from animals (e.g., deer and rodents), periodic weeding and adequate watering (e.g., drip-irrigation system). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used. All trees shall be tagged and numbered for future monitoring.
 1. Once trees have been planted and prior to occupancy, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nursery person, botanist) to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.
 2. To promote the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/contractor, nursery person) to

monitor the new trees until successfully established, on an annual basis, for no less than three years. The first report shall be submitted to the Department of Planning and Building one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the newly planted vegetation is successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report and approved by the Department of Planning and Building.

- m. Prior to issuance of grading and construction permits, the applicant shall submit an erosion and sedimentation control plan including both temporary and permanent measures designed to retain soil onsite and prevent sediment from entering drainage and riparian areas on and in the vicinity of the project site. The plan shall also include measures to prevent oils, fuels, and other potential spills or leaks from discharging into drainage and riparian areas. _____

- n. **Prior to issuance of grading and construction permits**, the applicant shall submit a sedimentation and erosion control plan prepared and signed by a Registered Civil Engineer. The plan shall focus on lots 1-5 and minimize drainage into the small swale near these lots and meet the requirements of Land Use Ordinance Sec. 22.05.034 and shall be approved by the Division of Environmental and Resource Management in consultation with the Public Works Department.

- o. **Prior to issuance of grading and construction permits**, the applicant shall submit an erosion and sedimentation control plan including both temporary and permanent measures designed to retain soil onsite and prevent sediment from entering drainage and riparian areas on and in the vicinity of the project site. The plan shall also include measures to prevent oils, fuels, and other potential spills or leaks from discharging into drainage and riparian areas. _____

- p. **Prior to issuance of grading and construction permits**, the applicant shall submit a sedimentation and erosion control plan prepared and signed by a Registered Civil Engineer. The plan shall focus on lots 1-5 and minimize drainage into the small swale near these lots and meet the requirements of Land Use Ordinance Sec. 22.05.034 and shall be approved by the Division of Environmental and Resource Management in consultation with the Public Works Department.

Noise

- q. In order to reduce the impact of transportation noise to outdoor activity areas on the most easterly lot, any planned outdoor activity areas shall be located on the "noise-sheltered" west side of the residences on Lots 7 and 8. The residences will act, to some extent, as an effective noise barrier to outdoor noise. The construction of the residences on Lots 7 and 8 will be required to incorporate acoustical measures to mitigate inside noise.

Covenants, Conditions and Restrictions

- 34 The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:

- a. On-going maintenance of *drainage basin / adjacent* landscaping in a viable condition on a continuing basis into perpetuity.
- b. Maintenance of all local streets within the subdivision until acceptance by a public agency.

Parks and Recreation (Quimby) Fees

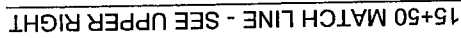
35. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

Affordable Housing Fee

36. Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing in-lieu fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Miscellaneous

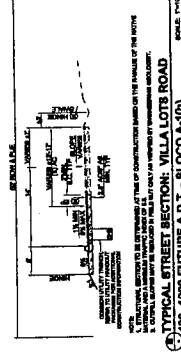
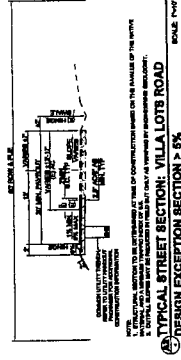
37. This subdivision is also subject to the standard conditions of approval for all subdivisions using private community water and individual septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
38. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.



-

ABBREVIATIONS

- TBI - TO BE IMPACTED
TBR - TO BE REMOVED



ROAD EXCEPTION EXHIBIT A

FOR
TRACT 2467

PASO ROBLES. CALIFORNIA

PREPARED FOR:

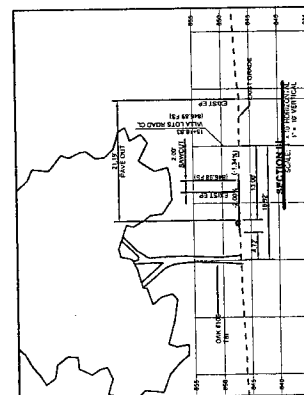
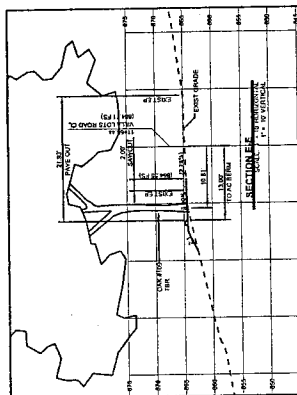
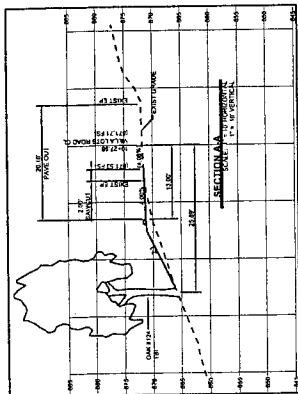
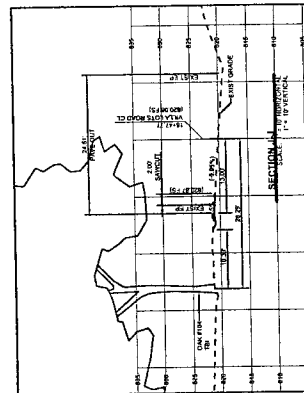
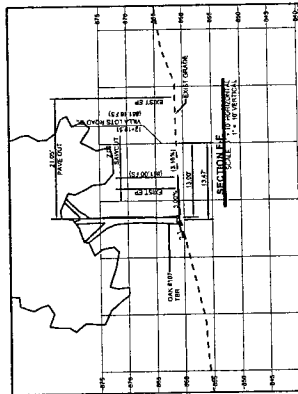
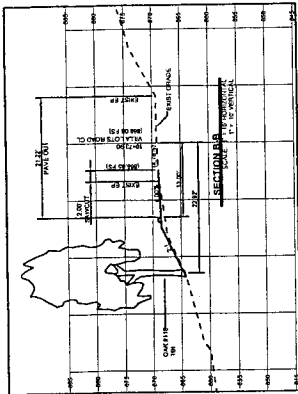
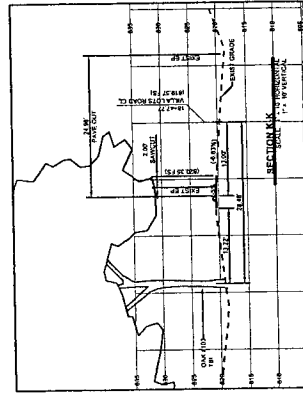
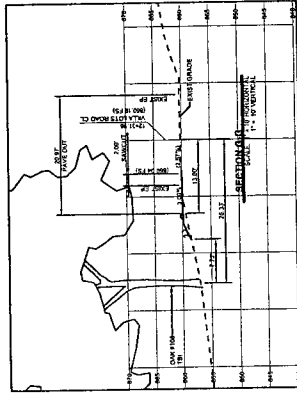
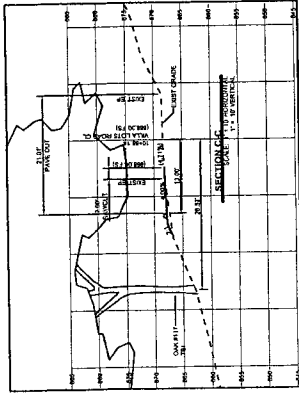
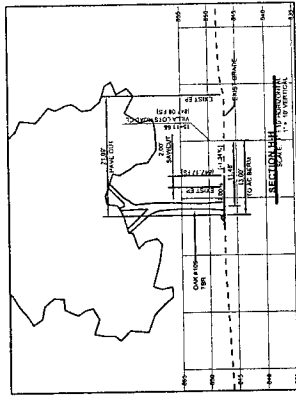
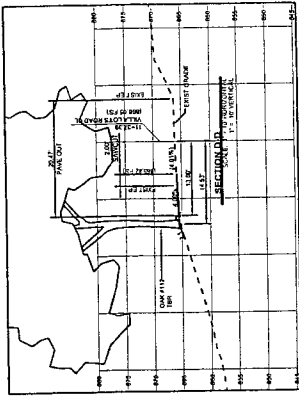
Owners/Applicant:
Capital Adventure Inc.
760 Mettles Road, Suite A-1
Pismo Beach, CA 93449

Contact Person:
PAUL REICHARDT
Project Manager

epda
design
professionals

civil engineers • land surveyors • land planners
1996 santa barbara st • san josé, ca 95131

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ROAD EXCEPTION EXHIBIT B FOR TRACT 2467

PASO ROBLES, CALIFORNIA

PREPARED BY:

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10000 Capital Avenue, Suite 100

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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Noel King, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

June 24, 2005

MEMORANDUM

TO: James Caruso, Senior Planner

FROM: Richard Marshall, Development Services Engineer *RM*

SUBJECT: Road Improvement Adjustment - Tract 2467

Thank you for the opportunity to review the information submitted by Paul Reichardt of EDA. He had discussed his approach with me prior to turning in those materials. I concur with the request, and recommend in favor of the Planning Commission making the required findings as outlined in Mr. Reichardt's letter.

Please call me at 781-5280 if you have questions or need additional information.

File: Tract 2467

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June 20, 2005

County of San Luis Obispo
Department of Planning and Building
1050 Monterey Street
San Luis Obispo, CA 93408

**Re: Tract 2467 – Paso North
Road Exception Request**

This letter is being presented per the direction of the planning commission, and discussions with Richard Marshall of the Public Works office for the above referenced project. With this letter we are formally requesting a road adjustment for that portion of Villa lots road fronting Tract 2467 pursuant to County Ordinance 21.03.020. For information purposes the Tentative Map for Tract 2467 was conditionally approved September 23, 2004. The conditions are attached for your review. If improvements are installed per county specifications as many as 8 oak trees may be required to be removed in addition to others being impacted.

The adjustment being requested is a deviation of an A-1 rural standard road as required in condition 2a of the approved project. We are requesting that the following adjustments be considered for approval: 13' paving section from center line with a 2' shoulder on the North side of Villa Lots Road, 1.5:1 cut slopes with soils engineers approval, 2:1 fill slopes, and a minimum combined 20' width of new and existing paving. If improvements are installed per this road exception as few as 4 oak trees may be required to be removed in addition to others being impacted.

1. The Special circumstance is the existing right of way is populated with oak trees.
2. The granting of this exception will not be detrimental to traffic, public utilities, drainage, or safety. The road that will be constructed will maintain a minimum 20 feet of paved width.
3. The granting of this exception will not result in any unreasonable maintenance costs.
4. The granting of this adjustment will not be detrimental to any portion of the improvements to the subdivision.

It is my view that the granting of this road exception will help minimize the environmental impacts of grading, and tree removal and impacts created by this project.

Please contact Paul Reichardt with any questions or comments at 549-8658.

Sincerely,
eda - design professionals



Paul Reichardt, PLS

Enclosures:

K:\22665100\correspondence\agency\Road Design Exception Letter.doc